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January 27, 2020

By ECF

Hon. Vernon S. Broderick
United States District Court
Southern District of New York
40 Foley Square
New York, New York 10007

APPLICATION GRANTED
SO ORDERED 
VERNON S. BRODERICK
U.S.D.J. 1/28/2020

Re: Rasheen Smith v. City of New York, et.al.
18-CV-5079 (VSB) (OTW)

The post-discovery conference is adjourned to February 20, 2020 at 10:15 a.m. The parties' joint pre-conference letter is due by February 13, 2020.

Your Honor:

I am an Assistant Corporation Counsel in the Office of James E. Johnson, Corporation Counsel of the City of New York, representing defendants City of New York, Police Officer Fernando Avalos, and Police Officer Daniel Alexis ("defendants") in the above-referenced matter. Defendants write, with consent of plaintiff's counsel, Anthony Ofodile, Esq., to respectfully request an adjournment of the status conference currently scheduled for January 31, 2020 to a date in February 2020 or such other time as is convenient to the Court.¹ (ECF Order, dated October 24, 2019). This is the defendants' first request for an adjournment of the status conference and would require that the deadline for the parties' joint letter be extended.

By way of background, plaintiff filed the complaint in this action on June 7, 2018, alleging, *inter alia*, therein that, on January 15, 2017, members of the New York City Police Department subjected him to excessive force and falsely arrested him in the vicinity of 2115 Ryer Avenue in the County of Bronx. Pursuant to Your Honor's Order, dated October 7, 2019, all fact-discovery in this matter was to be concluded on November 15, 2019. On January 21, 2020, the Court adjourned the January 23, 2020 status conference, *sua sponte*, to January 31, 2020. (ECF Order, dated January 23, 2020). However, the undersigned is currently on trial before the Honorable Judge Valerie E. Caproni. The trial is in the matter of Keith Monterey v. City of New York, et al., 17-CV-4477, and is anticipated to expected to continue for the remainder of the week.

¹ February 12, 19-21 and 24 are all dates that work for both parties. Plaintiff's counsel has indicated that is scheduled to begin a trial in the Southern District of New York and anticipates the trial to take approximately three (3) weeks.

Accordingly, defendants respectfully request, with the consent of plaintiff's counsel, that that the status conference, currently scheduled for January 31, 2020, be rescheduled a date in February 2020 or such other time as is convenient to the Court.

Thank you for your consideration herein.

Respectfully submitted,

/s/ *Nicholas L. Collins*

Nicholas L. Collins
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Special Federal Litigation Division

cc: **BY ECF**
Anthony Chukwuka Ofodile
Attorney for Plaintiff